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16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 SAN FRANCISCO DIVISION

19
20 In Re: DYNAVAX TECHNOLOGIES
CORPORATION SECURITIES LITIGATION

Case No. 3:13-cv-02796-CRB

21
22 **STIPULATED REQUEST AND ORDER TO
AMEND THE COMPLAINT AND TO SET A
BRIEFING SCHEDULE FOR THE MOTION
TO DISMISS**

23 This Document Relates To:
CLASS ACTION

24
25 ALL ACTIONS.

Pursuant to Civil Local Rules 6-2 and 7-7(b)(2), Lead Plaintiff Khaled Khalafallah (“Lead Plaintiff”) and Defendants Dynavax Technologies Corporation (“Dynavax”), Dino Dina (“Dina”), J. Tyler Martin (“Martin”), and Mark Kessel (“Kessel”) (collectively, “Defendants” and together with Lead Plaintiff, the “Parties”), by and through their undersigned counsel, respectfully stipulate and agree, subject to Court approval, to permit Plaintiff to amend his Consolidated Claim Action Complaint (“CAC”) and to set a briefing schedule for Defendants’ motion to dismiss such amended complaint. In support of this stipulation, the Parties state as follows:

RECITALS

9 WHEREAS, on November 12, 2013, Lead Plaintiff filed his CAC (Dkt. No. 47);

WHEREAS, Defendants filed a Motion to Dismiss the CAC (“Motion to Dismiss”) on January 10, 2014 (Dkt. No. 54);

12 WHEREAS, Lead Plaintiff filed an Opposition to the Motion to Dismiss on March 10,
13 2014 that referred to an exhibit and other information which was not included in the CAC (*see,*
14 *e.g.*, Dkt. No. 60 at 1 n.2 & 11 n.7);

WHEREAS, the Parties met and conferred and agree that, in the interests of the Parties and judicial economy, Lead Plaintiff should be permitted to amend the CAC and file such amended complaint (the “Amended Complaint”) on or before April 7, 2014;

18 WHEREAS, the Parties agree that Defendants' Motion to Dismiss the Amended
19 Complaint should be filed on May 12, 2014, 35 days after the filing of the Amended Complaint;
20 Lead Plaintiff's Opposition to the Motion to Dismiss the Amended Complaint should be filed on
21 June 16, 2014, 35 days after the filing of the Motion to Dismiss the Amended Complaint; and
22 Defendants' Reply in Support of the Motion to Dismiss the Amended Complaint should be filed
23 on July 11, 2014, 25 days after the filing of the Opposition to the Motion to Dismiss the Amended
24 Complaint.

WHEREAS, the Parties agree that the hearing on the Motion to Dismiss currently scheduled for May 2, 2014 should be vacated and that they will meet and confer on a new hearing date for the Motion to Dismiss the Amended Complaint, subject to the Court's availability.

STIPULATION

NOW, THEREFORE, the Parties stipulate, subject to Court approval, as follows:

1. Lead Plaintiff shall file his Amended Complaint no later than April 7, 2014;
 2. The deadline for Defendants to file their Motion to Dismiss the Amended Complaint and all related papers shall be on May 12, 2014;
 3. The deadline for Lead Plaintiff to file his Opposition to the Motion to Dismiss the Amended Complaint and all related papers shall be June 16, 2014;
 4. The deadline for Defendants to file their Reply in Support of the Motion to Dismiss the Amended Complaint and all related papers shall be July 11, 2014; and
 5. The hearing on the Motion to Dismiss currently scheduled for May 2, 2014 should be vacated and the parties will meet and confer on a new hearing date for the Motion to Dismiss the Amended Complaint, subject to the Court's availability.

IT IS SO STIPULATED.

Faruqi & Faruqi LLP

DATED: March 25, 2014

By: /s/ Richard W. Gonnello,

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Counsel for Lead Plaintiff Khaled Khalafallah

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DATED: March 25, 2014

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ATTESTATION (CIVIL LOCAL RULE 5-1(i)(3))

In accordance with Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from the signatory.

Dated: March 25, 2014

COOLEY LLP

/s/ Jeffrey M. Kaban

Jeffrey M. Kaban (235743)

Counsel for Defendants

Dynavax Technologies Corporation,
Dino Dina J. Tyler Martin, and Mark Kessel

ORDER

Pursuant to the foregoing stipulation, and good cause appearing, **IT IS SO ORDERED.**

DATED: March 28, 2014

Honorable Charles R. Breyer
United States District Judge

